

Chapter 19.850***Fair Housing and Reasonable Accommodation*****19.850.010 Purpose**

It is the purpose of this Chapter, in compliance with the Fair Housing Laws, to provide a procedure to evaluate requests for reasonable accommodation related to specific applications of the zoning law in order to assure that no person is discriminated against because of race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income, or ancestry by being denied an equal opportunity to use and enjoy a dwelling and to authorize the approval of exceptions to the zoning law if warranted.

19.850.020 Definitions

The following words and phrases, whenever used in this Chapter, shall have the following meanings, unless from the context an alternative meaning is clearly intended.

- A. “Applicant” means the person, business, or organization that has applied to the City for a permit for a project on the subject property and that is making a request for an exceptions.
- B. “Disability or Handicap” means physical or mental impairment that substantially limits one or more of a person’s major life activities or a record of having such an impairment, but such term does not include current, illegal use of or an addiction to a controlled substance.
- C. “Dwelling Occupant” means the person who will occupy the subject property and who is protected under the Fair Housing Laws.
- D. “Fair Housing Laws” means Section 42 United States Code Section 3604(f)(3)(B) and California Government Code Sections [12927](#)c(1) and [12955](#)(1) as those provisions not exist and as they shall be amended from time to time.

19.850.030 Procedure**A. Application**

Application shall be made and processed pursuant to the provisions listed for Variances in Chapter 19.720. In addition, the applicant shall provide:

1. A description of how the property will be used by the Dwelling Occupant;
2. The basis for the claim that the individual is considered protected by the Fair Housing Laws (applicant should submit a letter from a medical doctor, handicapped license, or other similar supportive evidence);
3. The reason the accommodation is necessary to make the specific housing available to the Dwelling Occupant; and

4. A filing fee, in the amount established by City Council resolution, shall be paid at the time of filing an application under this Chapter.

B. Notice

Notice of the consideration of a proposed variance shall be pursuant to Section 19.670.020 (Notice Requirements for Administrative Discretionary Permits with No Public Hearing).

C. Notice of Decision

Within forty-five (45) days after acceptance of a complete application by the Planning Division for administrative review by the Zoning Administrator or, if referred to the Planning Commission, within 10 days after the Planning Commission's decision, the Planning Division shall provide the applicant with written notification of the decision regarding the request, including any reasonable conditions.

D. Appeals

Any person aggrieved or affected by a decision of the Planning Commission or Zoning Administrator in granting or denying a request for reasonable accommodations may appeal the decision to the City Council pursuant to the procedures contained in Chapter 19.680 (Appeals).

19.850.040 Approval/Referral

The request for reasonable accommodation will be considered by the Zoning Administrator who may deny, approve, or conditionally approve the request. The Zoning Administrator may also refer the request, if it is determined to be significantly controversial, to the Planning Commission. The request shall be placed on the next regularly scheduled meeting agenda. The Planning Commission shall act in the capacity of the Zoning Administrator in such cases.

19.850.050 Additional Findings Required

In addition to findings required for a variance pursuant to Chapter 19.720 (Variance), the following additional findings shall be made in order to approve an application under this Chapter:

- A. The persons who will use the subject property are protected under the Fair Housing Laws;
- B. The requested exception to the zoning law is necessary to make specific housing available to a Dwelling Occupant;
- C. The requested exception will not impose an undue financial or administrative burden on the City; and
- D. The requested exception will be in compliance with all applicable Building and Fire Codes and will not require a fundamental alteration of the zoning laws and procedures.